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CLCS

COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

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ORIGINAL: ENGLISH

Sixth session
New York, 30 August-3 September 1999

AGENDA

1. Opening of the sixth session by the Chairman of the Commission.

2. Adoption of the agenda.

3. Organization of work.

4. Consideration of the outstanding issues concerning the Scientific and Technical Guidelines of the Commission, including the annexes containing illustrations of its provisions and other material.

5. Issues of training:

   (a) Report of the working group of the Commission on training;

   (b) Review of existing training projects and capacities within the United Nations system.

6. Matters relating to the establishment of a trust fund to assist in financing the participation of members of the Commission from developing countries.

7. Election of the officers of the Commission.

8. Other matters.

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STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ON THE PROGRESS OF WORK IN THE COMMISSION

1. The sixth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 30 August to 3 September 1999. The Commission held a total of 10 meetings.

2. The following 19 members of the Commission attended the session: Mr. Alexandre Tagore Medeiros de Albuquerque, Mr. Osvaldo Pedro Astiz, Mr. Lawrence Folajimi Awosika, Mr. Samuel Sona Betah, Mr. Harald Brekke, Mr. Galo Carrera Hurtado, Mr. Peter F. Croker, Mr. Noel Newton St. Claver Francis, Mr. Kazuchika Hamuro, Mr. Karl H. F. Hinz, Mr. A. Bakar Jaafar, Mr. Mladen Juračić, Mr. Yuri Borisovitch Kazmin, Mr. Iain C. Lamont, Mr. Chisengu Leo Mdala, Mr. Wenzheng Lu, Mr. Yong Ahn Park, Mr. Daniel Rio and Mr. Krishna-Swami Ramachandran Srinivasan. Mr. Ali Ibrahim Beltagy and Mr. André Chan Chim Yuk did not attend the session owing to matters of national interest to which they had to attend.

3. The Commission had before it the following documents: provisional agenda (CLCS/L.8) which, after it was adopted with an amendment, was reissued (CLCS/17); Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/11); Review of the existing training projects and capacities within the United Nations system (CLCS/15); Establishment of a trust fund to assist in financing the participation of members of the Commission on the Limits of the Continental Shelf from developing countries (CLCS/16); and Technical and logistical preparedness of the secretariat to provide assistance to the Commission on the Limits of the Continental Shelf in the consideration of submissions of coastal States (CLCS/INF/1), as well as documents of the Meeting of States Parties to the United Nations Convention on the Law of the Sea relevant to the issues before the Commission (SPLOS/38, SPLOS/48 and SPLOS/49).

4. The session was opened by the Chairman, Mr. Yuri B. Kazmin. In his opening statement, the Chairman outlined the programme of work for the sixth session of the Commission. He proposed to amend item 4 of the provisional agenda to read

as follows: "Consideration of the outstanding issues concerning the Scientific and Technical Guidelines of the Commission, including the annexes containing illustrations of its provisions and other material". The agenda was adopted as amended (CLCS/17).

5. The Chairman pointed out that the main task before the session was to discuss all outstanding issues concerning the Scientific and Technical Guidelines, including corrections to be made in their translation into other official languages of the United Nations, as well as the completion of the annexes. The Commission was also to elect its officers and to discuss issues of training and of a trust fund to assist in financing the participation of members of the Commission from developing countries.

6. Following a brief discussion on the organization of work, the Commission decided to begin its work with the deliberation of outstanding issues related to the Guidelines, in particular those concerning the annexes, and to reconvene for that purpose the Editorial Committee established at the third session (CLCS/7, para. 10), under the chairmanship of Mr. Carrera. It was also agreed that the Commission would proceed with the election of its officers on Wednesday, 1 September 1999. Furthermore, the Commission decided to discuss under the agenda item "Other matters" the issue of the technical preparedness of the Secretariat in the case of a submission.

7. In accordance with the decision adopted at the last (fifth) session (CLCS/12, paras. 15 and 16), the Editorial Committee resumed its work on the annexes to the Guidelines and, within that framework, the Working Group on Annex II to the Guidelines (under the chairmanship of Mr. Jaafar) continued its consideration of flowcharts and illustrations relating to several chapters of the Guidelines, which were to be included in that annex. The Editorial Committee also discussed the proposals for the inclusion of additional annexes.

8. The report of the Working Group on Annex II, as well as the proposals for the inclusion of other annexes to the Guidelines, were then considered by the Editorial Committee. As a result of its deliberations, the Editorial Committee approved the draft of annex II. It approved as well a new draft annex III, consisting of Part VI of the United Nations Convention on the Law of the Sea (Continental Shelf), Annex II to the Convention (Commission on the Limits of the Continental Shelf) and Annex II to the Final Act of the Third United Nations Conference on the Law of the Sea (Statement of Understanding concerning a specific method to be used in establishing the outer edge of the continental margin). It also decided to produce a draft annex IV to the Guidelines, containing the names, nationalities and current professional positions of the members of the Commission.

9. The Editorial Committee then submitted the draft annexes to the plenary of the Commission for its consideration. The Commission decided to adopt annexes II, III and IV, which would be published during the inter-sessional period.

10. The election of the officers of the Commission was held on 1 September 1999. The Commission elected by acclamation Mr. Yuri B. Kazmin as its Chairman for the second period of two and one half years beginning on

16 December 1999; this period would complete the five-year term of the current membership of the Commission. Following informal consultations among its members and taking into account the principle of equitable geographic representation, the Commission elected Mr. Osvaldo P. Astiz, Mr. Lawrence F. Awosika and Mr. Yong Ahn Park as Vice-Chairmen, and Mr. Peter F. Croker as Rapporteur, also by acclamation.

11. In view of the anticipated future needs of the Commission concerning the editorial review of its new documents, reports, etc., as well as possible amendments to the Scientific and Technical Guidelines, the Commission decided to convert the Editorial Committee from an ad hoc to a permanent subsidiary body of the Commission and elected Mr. Galo Carrera as its Chairman.

12. The Commission also decided to establish the Working Group on Training as a permanent subsidiary body and elected Mr. Lawrence F. Awosika as its Chairman.

13. The Commission continued its exchange of views on the issue of training, with a view to promoting a better understanding of article 76 of the Convention as well as of the Guidelines, in particular taking into account the needs of developing States.

14. An action plan for training was agreed upon. The first action to be taken was to send a letter from the Chairman to the President of the General Assembly, flagging the issues relevant to the need for training identified by the Commission and proposing draft provisions for inclusion in the annual resolution of the General Assembly on the item "Oceans and the law of the sea". It also called for letters to be written to the Intergovernmental Oceanographic Commission and the International Hydrographic Organization transmitting to them the basic documents of the Commission (Rules of Procedure, Modus Operandi and Scientific and Technical Guidelines) and requesting them to familiarize the Commission with their programmes as they concern article 76.

15. It was also decided to prepare a manual in the form of a flowchart to assist coastal States throughout the process of preparation of a submission to the Commission. The members of the working group who were requested to carry out inter-sessional work on the manual with a view to having a draft manual prepared for discussion at the next session were Messrs. Albuquerque, Awosika, Carrera, Hinz, Jaafar and Srinivasan.

16. Other training-related actions to be taken by the Commission included the convening of an open meeting of the Commission during its seventh session to familiarize representatives of coastal States with the necessity for implementing the provisions of article 76 relating to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, bearing in mind the requirement of the Convention to submit particulars of such limits to the Commission "within ten years of the entry into force of the Convention for that State" (article 4 of Annex II to the Convention). It was also considered important for the Secretariat to increase its endeavours to disseminate the documents of the Commission in order to raise awareness among States of the Commission's activities, including the preparation of an information document on the functions and activities of the Commission, as well as on the need for coastal States to implement article 76.

17. After extensive discussion on the scope and target of possible trai modules, the Working Group on Training also decided to undertake a draft for a proposed training course of approximately five days' duration aime practitioners who would take part in the preparation of the submission o coastal State. The course would concentrate on the basic documents of t Commission, namely the Scientific and Technical Guidelines, the Rules of Procedure, and the Modus Operandi. It would also include the manual refe in paragraph 15 describing the actions to be undertaken by a coastal Stat wishing to make a submission. The training module would be addressed by Messrs. Awosika, Betah, Carrera, Hinz, Jaafar and Srinivasan, with contri from Messrs. Albuquerque, Croker, Lamont and other interested members of working group who might wish to participate in designing the module.

18. In addition, it was also decided that several members of the workin should develop proposals for training modules suited to their own region including a regional assessment of capabilities and training needs, and t submit those proposals for discussion at the next session. Among those entrusted with the task of preparing these proposals were Messrs. Albuqu Astiz, Betah, Francis, Hinz, Jaafar, Mdala, Park and Srinivasan.

19. With respect to the creation of a trust fund to assist in financing participation of members of the Commission from developing countries, th Chairman of the Commission provided information on the results of the deliberations at the Meeting of States Parties, as reflected in the repo the ninth Meeting of States Parties (SPLOS/48) and the Letter from the P of the ninth Meeting of States Parties addressed to the Chairman of the Commission on the Limits of the Continental Shelf (SPLOS/49). The Commi took note of the estimated costs for the establishment of a trust fund p by the Secretariat (CLCS/16) and requested that the relevant information submitted to the President of the tenth Meeting of States Parties.

20. Regarding forthcoming international events related to the work of t Commission and to the issue of the establishment of the outer limits of continental shelf by coastal States, the Commission reviewed presentatio prepared by its members for the International Conference on Technical As Maritime Boundary Delineation and Delimitation, including issues related article 76 of the Convention, to be held in Monaco on 9 and 10 September under the auspices of the Advisory Board on the Law of the Sea (ABLOS), body composed of participants from the International Association of Geod International Hydrographic Organization and the Intergovernmental Oceano Commission, as well as the Division for Ocean Affairs and the Law of the the United Nations Office of Legal Affairs in an ex officio capacity. I pointed out that the presentations did not represent views of the Commis a whole but rather those of its members in their individual capacities.

21. The Commission also discussed in brief the information note by the Secretariat on technical and logistical preparedness of the Secretariat provide assistance to the Commission on the Limits of the Continental Sh the consideration of submissions of coastal States (CLCS/INF/1). In tha the Commission emphasized the importance of acquiring the most up-to-dat software available on ocean information systems and the delineation of t limits of maritime spaces.

22. The Commission decided that its seventh session would be held for one week from 1 to 5 May 2000 to further discuss the matters of training and the establishment of a trust fund. It also decided to hold one open meeting of the Commission during that week, to which the representatives of interested States would be invited. It would also be decided at that session if it would be necessary to hold a second session in the same year in the absence of a submission from a coastal State. If the Commission were to decide in favour of holding another session that year, the tentative dates for its eighth session would be 28 August to 1 September 2000.

23. The Commission reiterated its appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea as well as to the interpreters, translators and other staff for their able assistance during the session.

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LETTER DATED 21 OCTOBER 1999 FROM THE CHAIRMAN OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ADDRESSED TO THE PRESIDENT OF THE FIFTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

As the General Assembly is the forum that monitors, under agenda item 40, all matters related to oceans and the law of the sea, and more particularly the implementation at the global level of the United Nations Convention on the Law of the Sea, the Commission on the Limits of the Continental Shelf has requested me, as its Chairman, to bring to the attention of the Assembly several important matters related to the implementation of article 76 of the Convention. As you are aware, that article provides the rules by which coastal States may establish the outer limits of their continental shelves beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

The purpose of the Commission on the Limits of the Continental Shelf is to facilitate the implementation of the United Nations Convention on the Law of the Sea in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Under the provisions of both article 76 and Annex II to the Convention, the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelves where they extend beyond 200 nautical miles: the Commission's recommendations and actions are to be without prejudice to the delimitation of boundaries between States with opposite or adjacent coasts.

The Commission's recommendations will be based on data and other material included in submissions to the Commission from those States. The limits of the continental shelf established by a coastal State on the basis of these recommendations shall be final and binding. The Commission is also mandated to provide scientific and technical advice, if requested by the coastal State concerned during preparation of such data. The Commission is currently prepared

both to accept such submissions from coastal States and to provide any scientific and technical advice that States preparing submissions may wish to obtain.

The Commission was established in accordance with the provisions of Annex II to the Convention. Under its terms, the initial election of the Commission should have been held "within 18 months after the date of entry into force of this Convention", that is, by 16 May 1996. However, at the Third Meeting of States Parties to the Convention, in 1995, it was decided that the election of members of the Commission would be postponed until March 1997, in order to afford an opportunity for additional States to become parties to the Convention and to nominate candidates for the Commission. In fact, the postponement of the elections allowed 31 additional countries to accede to the Convention, and 8 among them nominated candidates who were elected and are currently serving. A proviso was agreed upon that, should any State which was already a party to the Convention by 16 May 1996 (i.e., 18 months after the entry into force of the Convention) be affected adversely in respect of its obligation to make its submission to the Commission within 10 years after the entry into force of the Convention for that State (Annex II, article 4, emphasis added), States parties to the Convention, at the request of such a State, would review the situation with a view to ameliorating the difficulty in respect of that obligation (SPLOS/5, para. 20). The election of the 21 members of the Commission took place on 13 March 1997.

During the six sessions that have taken place since then, the Commission has organized itself to prepare for the receipt of submissions from coastal States. It first agreed upon its rules of procedure (CLCS/3/Rev.2) and modus operandi (CLCS/L.3), and has recently completed its Scientific and Technical Guidelines (CLCS/11 and Add.1) to assist States in preparing their submissions. Although no submissions have yet been received, the Commission is aware that the process of preparing a submission is at an advanced stage in some coastal States. Although, as was explained above, the time period during which submissions should be made to the Commission may be extended, coastal States are requested to note that the existing cut-off date is still the 10-year rule from entry into force of the Convention for the submitting State.

This year, the Commission adopted in its final form the Scientific and Technical Guidelines (CLCS/11), which are intended to provide assistance to coastal States regarding the technical nature and scope of the data and information which they have to submit to the Commission. The Scientific and Technical Guidelines are of a highly scientific nature; they deal with geodetic and other methodologies stipulated in article 76 for the establishment of the outer limit of the continental shelf, using such criteria as determination of the foot of the slope of the continental margin, sediment thickness and structure of submarine ridges and other underwater elevations. The Commission also adopted annexes to the Guidelines (CLCS/11/Add.1) which, inter alia, include flowcharts providing a simplified outline of the procedures described in the relevant parts of the Guidelines themselves.

The Commission took up the consideration of the issues of training necessary to develop the knowledge and skills for preparation of the submissions in respect of the outer limits of the continental shelf required by the

Convention. The issue of training was considered with a view to promoting better understanding of both article 76 of the Convention and of the Guidelines, in particular taking account of the needs of developing States. Research has been done to identify training needs and available means, including a review of existing training projects and capacities within the United Nations system. However, it is clear that there is a need for political and financial support for training programmes, especially for developing countries, both within the United Nations system and through other appropriate intergovernmental or non-governmental organizations at the international or regional level.

In order to provide additional scientific and technical guidance to help coastal States throughout the process of preparation of a submission, the Commission has decided to prepare next year a manual in the form of a flowchart. It has also decided to convene an open meeting for one day during its seventh session next year (1-5 May 2000), with a view to raising the awareness of States of the necessity of implementing the provisions of article 76 relating to the establishment of the outer limits of the continental shelf beyond 200 nautical miles, bearing in mind the requirement of the Convention to submit particulars of such limits to the Commission in accordance with the 10-year rule.

In the context of its responsibilities to provide advice to coastal States, the Commission will prepare a draft outline for a training course of approximately five days' duration aimed at practitioners who would take part in the preparation of the submission of a coastal State. In addition, several members of the Commission's Working Group on Training will develop proposals for training modules suited to their own regions, including a regional assessment of capabilities and training needs.

In view of the above, the Commission would be grateful if the delegations to the fifty-fourth session of the General Assembly would consider inclusion in the resolution on agenda item 40, "Oceans and the law of the sea", the provisions to encourage States parties to the Convention that intend to establish the outer limits of their continental shelves beyond 200 nautical miles to undertake the necessary measures for implementing the relevant provisions of the Convention referred to above and to call for political and financial support for training programmes, especially for developing countries, within the United Nations system and through other appropriate international or regional organizations.

(Signed) Yuri B. KAZMIN
Chairman of the Commission on
the Limits of the Continental Shelf